

PROB 12C  
(7/93)

Report Date: November 21, 2014

**United States District Court**

for the

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

## **Eastern District of Washington**

May 13, 2015

SEAN F. MCAVOY, CLERK

**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: James Greg Gutierrez

Case Number: 2:12CR00044-JLO-2

**Address of Offender:**

Name of Sentencing Judicial Officer: The Honorable Justin L. Quackenbush, Senior U.S. District Judge

Date of Original Sentence: September 28, 2012

**Original Offense:** Count 1: Manufacturing of Marijuana, 21 U.S.C. § 841(a)(1)  
Count 2: Unlawful User of a Controlled Substance in Possession of a Firearm, 18  
U.S.C. § 922(g)(3)

**Original Sentence:** Prison - 30 days  
TSR - 60 months      **Type of Supervision:** Supervised Release

**Asst. U.S. Attorney:** Matthew F. Duggan      **Date Supervision Commenced:** October 28, 2012

**Defense Attorney:** Federal Defenders Office      **Date Supervision Expires:** October 27, 2017

## PETITIONING THE COURT

### To issue a warrant.

The probation officer believes that the offender has violated the following condition of supervision:

**Violation Number      Nature of Noncompliance**

- 1      Mandatory Condition # 2:** The defendant shall not commit another Federal, state, or local crime.

**Supporting Evidence:** On November 20, 2014, Mr. Gutierrez was arrested for first degree assault in Ferry County, Washington.

According to the statement of arresting officer and preliminary finding of probable cause, on November 20, 2014, at 5:30 a.m., a Ferry County (Washington) sheriff's detective was called to the hospital in Colville, Washington, in response to an assault that occurred in Ferry County, Washington. Upon arrival, the detective observed injuries to the alleged victim's left eye and upper lip, as well as a large bandage wrapped around his head. The detective could smell the odor of intoxicants coming from the alleged victim's breath and person.

**Prob12C****Re: Gutierrez, James Greg****November 21, 2014****Page 2**

The alleged victim reported he was at another person's residence and had too much alcohol to drink to be able to drive himself home. He reportedly contacted a female named Aja Seymour to pick him up. The undersigned U.S. probation officer knows Ms. Seymour to be Mr. Gutierrez' former significant other. When Ms. Seymour arrived, Mr. Gutierrez and Donavan Smith were also with her. The alleged victim stated that Mr. Smith and Mr. Gutierrez began to assault him. Mr. Smith reportedly struck the alleged victim in the arms, legs, and head with a mini baseball bat. As the alleged victim went to the ground, Mr. Smith continued to hit him with the bat and kick him. Mr. Gutierrez also was kicking the alleged victim. The alleged victim was able to get away, get into his vehicle, and leave. He drove to Inchelium, Washington, where he received assistance. He did not know why Mr. Gutierrez and Mr. Smith assaulted him.

Based on the description of the residence the victim provided, the detective was able to determine the location where the alleged assault occurred. The detective obtained a search warrant. When the search warrant was executed at that location, a small wooden bat was seized near the front door that was approximately 2 ½ feet long.

Numerous addresses were contacted by law enforcement in an effort to locate Mr. Smith and Mr. Gutierrez. Mr. Gutierrez was eventually located and taken into custody. After receiving his Miranda Warning, Mr. Gutierrez agreed to speak with the investigating detective. He admitted to knowing both Mr. Smith and the alleged victim. However, Mr. Gutierrez reported being at his residence the entire night and had not left his home until approximately 8 a.m. Mr. Gutierrez reported to the detective that the alleged victim had attacked him the previous summer and bit him on his forehead. The detective observed a scar on Mr. Gutierrez's forehead, which he indicated was from the alleged victim.

Once at the Ferry County Jail, a copy of a search warrant was served to Mr. Gutierrez. Subsequently, Mr. Gutierrez' shoes were seized as a substance believed to be blood was observed on the bottom of his left shoe.

Prob12C

Re: Gutierrez, James Greg  
November 21, 2014  
Page 3

The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the offender to answer the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: November 21, 2014

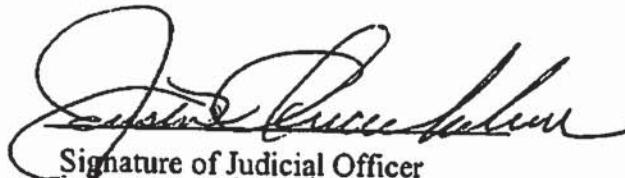
s/Erik Carlson

Erik Carlson  
U.S. Probation Officer

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#### THE COURT ORDERS

- No Action
- The Issuance of a Warrant
- The Issuance of a Summons
- Other



Signature of Judicial Officer

5/23/15  
Date